

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**JOSHUA J. AYERS,**

Plaintiff,

v.

**LANE COUNTY JAIL, LANE COUNTY  
SHERIFF, OFFICER GONZALES,  
JOHN DOE OFFICERS, JANE DOE  
OFFICERS, JANE DOE NURSES,  
JOHN DOE DOCTORS,**

Defendants.

No. 6:17-cv-00766-JE

OPINION AND ORDER

**MOSMAN, J.,**

On November 29, 2018, Magistrate Judge John Jelderks issued his Findings and Recommendation (F&R) [67], recommending that Defendant Canizales' Motion for Summary Judgment [36] should be GRANTED, Plaintiff's claims against Defendant Canizales should be dismissed, without prejudice, for lack of exhaustion, and Plaintiff's Motion to Deny Dismissal for Non-Judicial Remedies [40] should be DENIED. No objections were filed.

**DISCUSSION**

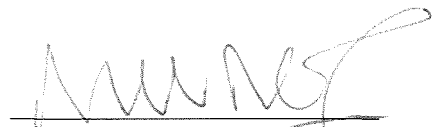
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge,

but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Jelderks's recommendation and I ADOPT Judge Jelderks's F&R [67]. I GRANT Defendant Canizales' Motion for Summary Judgment [36], dismiss all claims against Defendant Canizales without prejudice, and DENY Plaintiff's Motion to Deny Dismissal for Non-Judicial Remedies [40].

IT IS SO ORDERED.

DATED this 16 day of January, 2019.

  
MICHAEL W. MOSMAN  
Chief United States District Judge